

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.320 OF 2019

Kapadia Development Co-operative	]	
Housing Society Ltd.	]	Petitioner
Vs.		
New Nalanda Co-operative Housing	]	
Society Ltd.	]	Respondent

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Mr. Rakesh K. Agrawal, learned Counsel for the Petitioner.
Mr. Ashif Husain, learned Counsel for the Respondent.

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CORAM : R.G. KETKAR, J.

DATE : 4TH FEBRUARY, 2019.

P.C:

Heard Mr. Agrawal, learned Counsel for the petitioner and Mr. Husain, learned Counsel for the respondent.

2. This Petition takes exception to the order dated 7th April, 2018 passed by the learned Judge, Court Room No.23 of the Court of small Causes at Mumbai below Exhibit 42 in T.E. Suit No.54/61 of 2014. By that order, the learned trial Judge rejected the application made by the petitioner under Order-XL of the Code of Civil Procedure, 1908 (for short 'C.P.C') for appointment of Court Receiver.

3. On instructions, Mr. Agrawal seeks permission to withdraw the Petition with liberty to file Miscellaneous Appeal under Order-XLIII, Rule-1 (s) of the C.P.C. He further submits that the trial Court may be directed to dispose of the suit in a time bound manner.

4. In view thereof, on the motion made by Mr. Agrawal, the Petition is allowed to be withdrawn with liberty as prayed for and as such is disposed of. The petitioner will be at liberty to file an application for disposal of the suit in a time bound manner. If such application is made, the trial Court will pass an appropriate order. Order accordingly.

[R.G. KETKAR, J.]